

To: CN=Erin Foresman/OU=R9/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Karen Schwinn/OU=R9/O=USEPA/C=US
Sent: Wed 6/30/2010 9:13:50 PM
Subject: BDCP

June 2010 Sizing Charts v14.pptx
feinstein-CEL10454.pdf

See pp below which is going to Steering Committee tomorrow. We sat in on same Ron Milligan briefing for all the feds.)Didn't hear anyone on phone from Corps-Sac.) I'll copy you on my list of follow-up questions. you'll likely have more.

I'm also going to talk to Nawi about when he thinks we ought to pose the questions we and the Corps will need for LEDPA determination, so think about that.

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----- Forwarded by Karen Schwinn/R9/USEPA/US on 06/30/2010 02:03 PM -----

From: "Belin, Letty" <Letty_Belin@ios.doi.gov>
To: Roger Gorke/DC/USEPA/US@EPA, "Feller, Erika M." <(b) (6)>
"ada.benavides@usace.army.mil" <ada.benavides@usace.army.mil>, Tom Hagler/R9/USEPA/US@EPA,
Karen Schwinn/R9/USEPA/US@EPA, "McKeever, Claire C" <Claire_McKeever@ios.doi.gov>, "Bhalla,
Panah" <(b) (6)>, "Sobeck, Eileen" <Eileen_Sobeck@ios.doi.gov>, "Russell, Lisa"
<Lisa.Russell@sol.doi.gov>, "Culleen, Chandos P" <Chandos_Culleen@ios.doi.gov>, "Caramanian, Lori"
<Lori_Caramanian@ios.doi.gov>, "Lois.schiffer@noaa.gov" <Lois.schiffer@noaa.gov>,
"eric.schwaab@noaa.gov" <eric.schwaab@noaa.gov>, (b) (6)
Date: 06/30/2010 12:23 PM
Subject: FW: for the 3:30 bdcf conveyance conference call

Not sure who already might have received this powerpoint for this afternoon's conference call. I also attach Feinstein delta legislation in case you need it.

From: Milligan, Ronald E
Sent: Wednesday, June 30, 2010 12:01 PM
To: Milligan, Ronald E; Nawi, David; Belin, Letty
Cc: Connor, Michael L; 'Howard.Brown@noaa.gov'
Subject: RE:

All -
Here is the revised version of the presentation benefiting from some additional edits this morning.
Thanks.

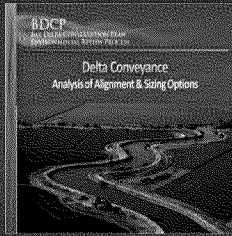
Ron

PRELIMINARY DRAFT

BDCP Steering Committee New Delta Conveyance

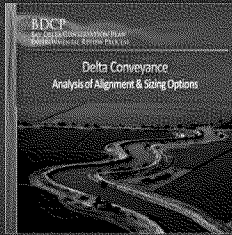
Analysis of Tunnel Sizing Informational Briefing Only

30 June 2010 9am PDT



Context of this Briefing

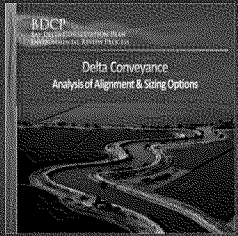
- This information is provided in response to a request by the BDCP Steering Committee regarding tunnel sizes
- As we all know, BDCP has two co-equal goals: improved water supply reliability and an improved Delta ecosystem
- Conveyance is only one component of the overall BDCP
- The No Action alternative and other conveyance options are still being evaluated
- No final decisions have been made about conveyance size, alignment, operations, or configuration
- This information is a summary of ongoing work by the BDCP and DHCCP teams.
- This information is preliminary and is for informational purposes only. It is NOT a Federal proposal



New Delta Conveyance

Factors Affecting Size and Performance

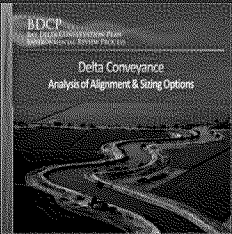
- Operational Flexibility to Improve Fishery Conditions
- Capital Costs
- Operation and Maintenance Costs
- Improved Water Supply
- Sea Level Rise / Climate Change
- More Constrained South Delta Conditions
- Catastrophic Delta Levee Failure
- Water Quality Delivered South of the Delta
- In-Delta Water Quality
- Potential Increased Delta Outflow Requirements



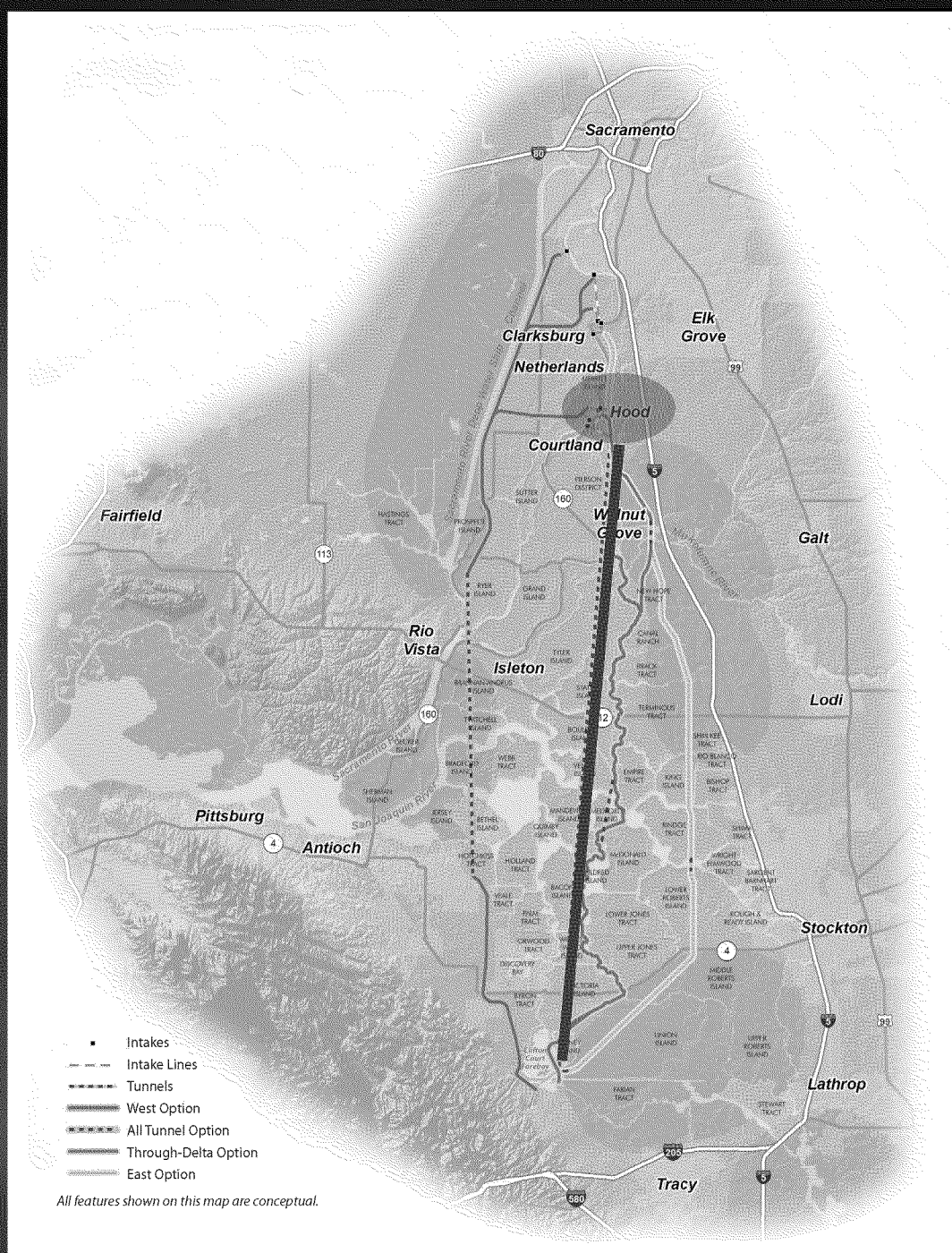
New Delta Conveyance

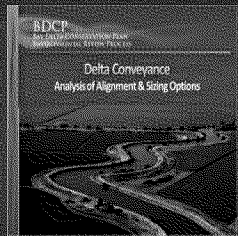
Working Assumptions – Cost Estimate

- Sizes denote maximum North Delta diversion capacity
- Sizes are developed in 3,000 cfs increments
- Each Size increment includes one additional intake
- Each intake includes six 500 cfs pumps
- Each Size increment also adds two 1,500 cfs pumps at the Intermediate Pumping Plant
- Each design includes two tunnels for consistency
- Each Size uses gravity flow when possible

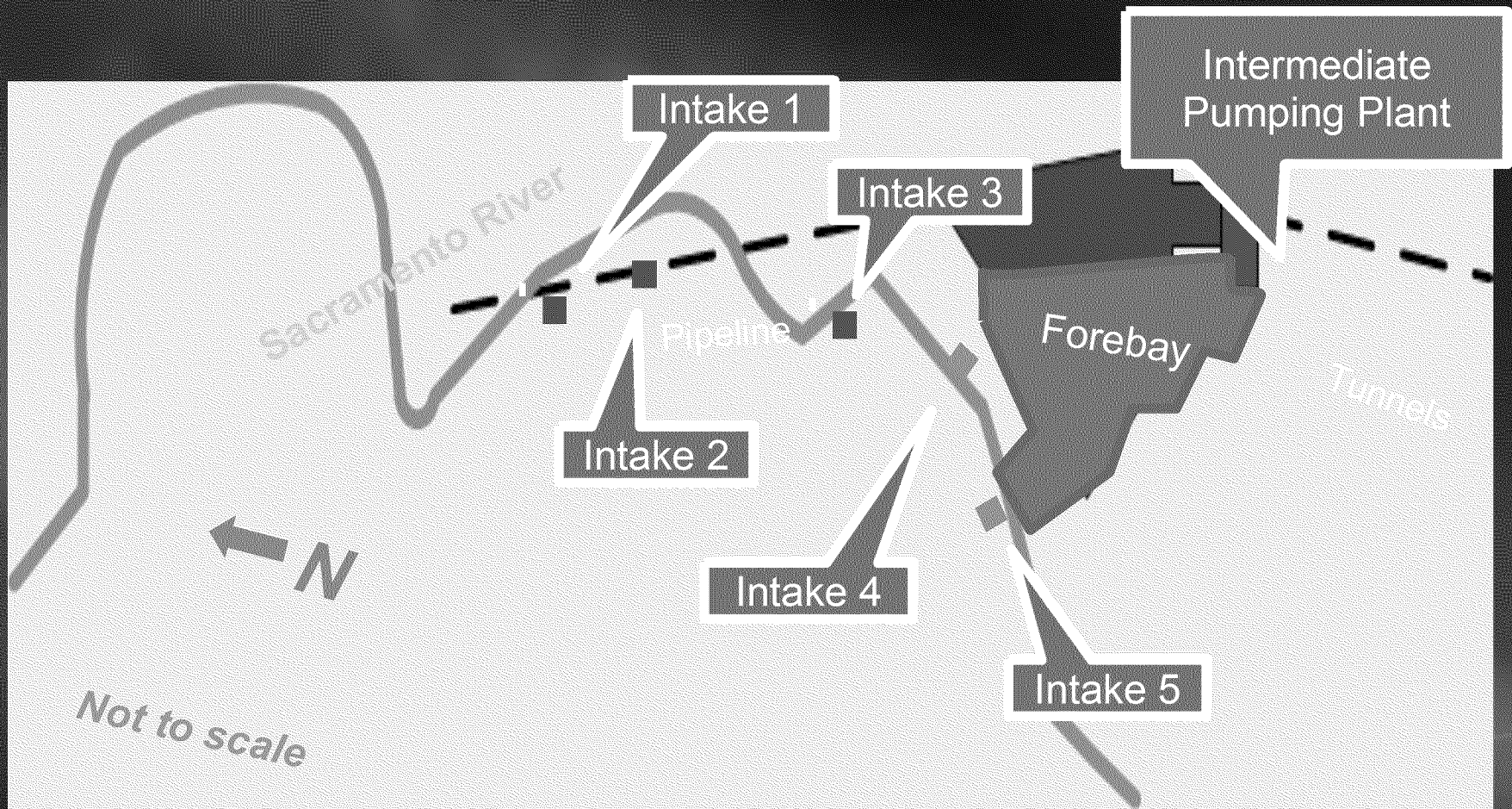


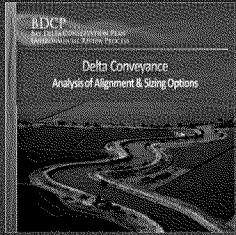
New Delta Conveyance Tunnel Alignment





New Delta Conveyance New Facility Configuration

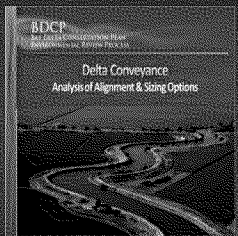




New Delta Conveyance Capacity and Sizes

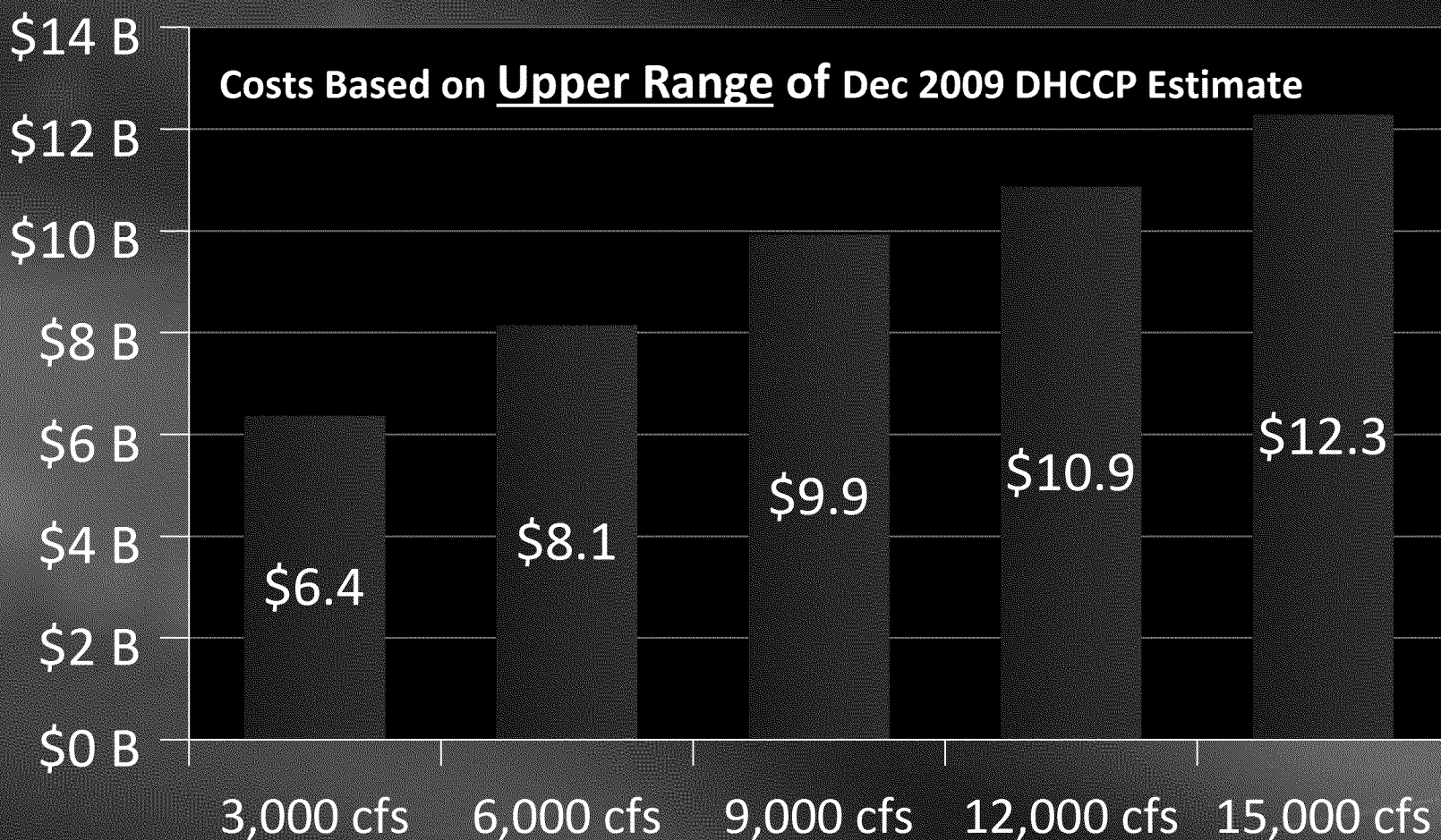
- | | | |
|--------------|-------------------|--------------------------|
| • 3,000 cfs | two 15-ft tunnels | 1 intake / IPP* 2 pumps |
| • 6,000 cfs | two 20-ft tunnels | 2 intakes / IPP 4 pumps |
| • 9,000 cfs | two 25-ft tunnels | 3 intakes / IPP 6 pumps |
| • 12,000 cfs | two 29-ft tunnels | 4 intakes / IPP 8 pumps |
| • 15,000 cfs | two 33-ft tunnels | 5 intakes / IPP 10 pumps |

* Number of Pumps at the Intermediate Pumping Plant

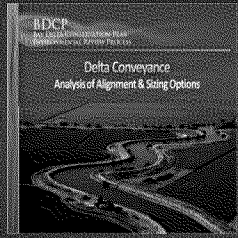


New Delta Conveyance

All Tunnel – Estimated Capital Costs



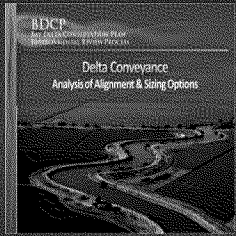
Preliminary Subject to Revision



Analytical Scenarios

- 1) Operations Forwarded by Steering Committee*
- 2) Sea level rise & changed hydrology (2025)
- 3) South Delta exports further constrained
- 4) No South Delta exports
- 5) Increased Delta outflow requirement

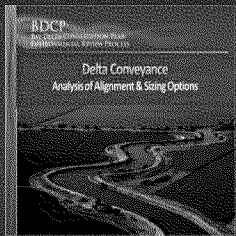
* As forwarded by the SC for analysis only



New Delta Conveyance Working Assumptions – Scenarios

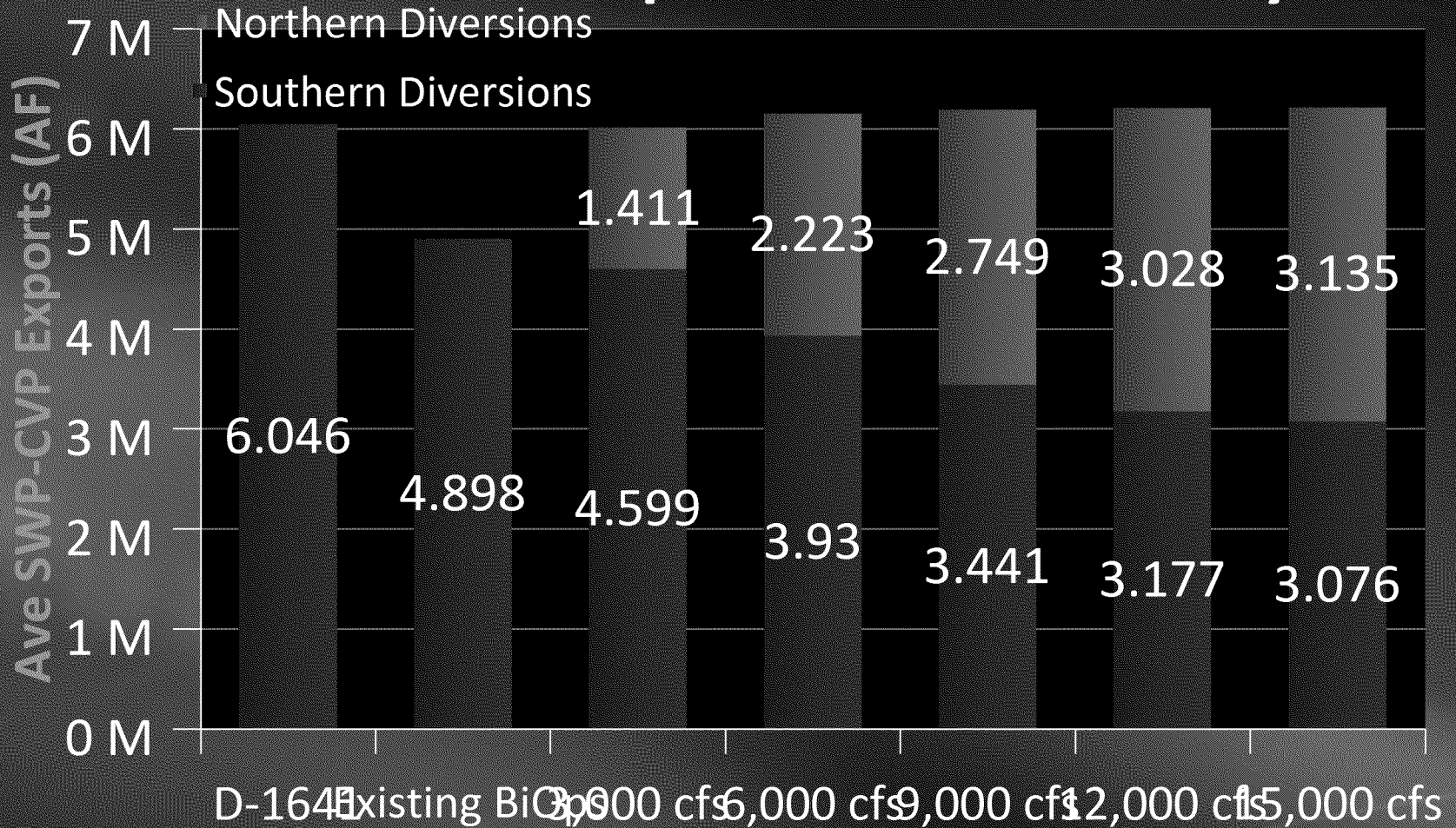
Unless otherwise noted, modeling runs assume:

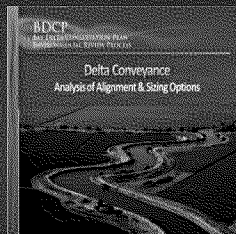
- Existing system storage north and south of the Delta
- Most Delta levees remain intact
- Current sea level and hydrology
- 2025 condition includes an initial phase of restoration
(about 14,000 acres)
- D-1641 & Biological Opinions provided as reference only



New Delta Conveyance

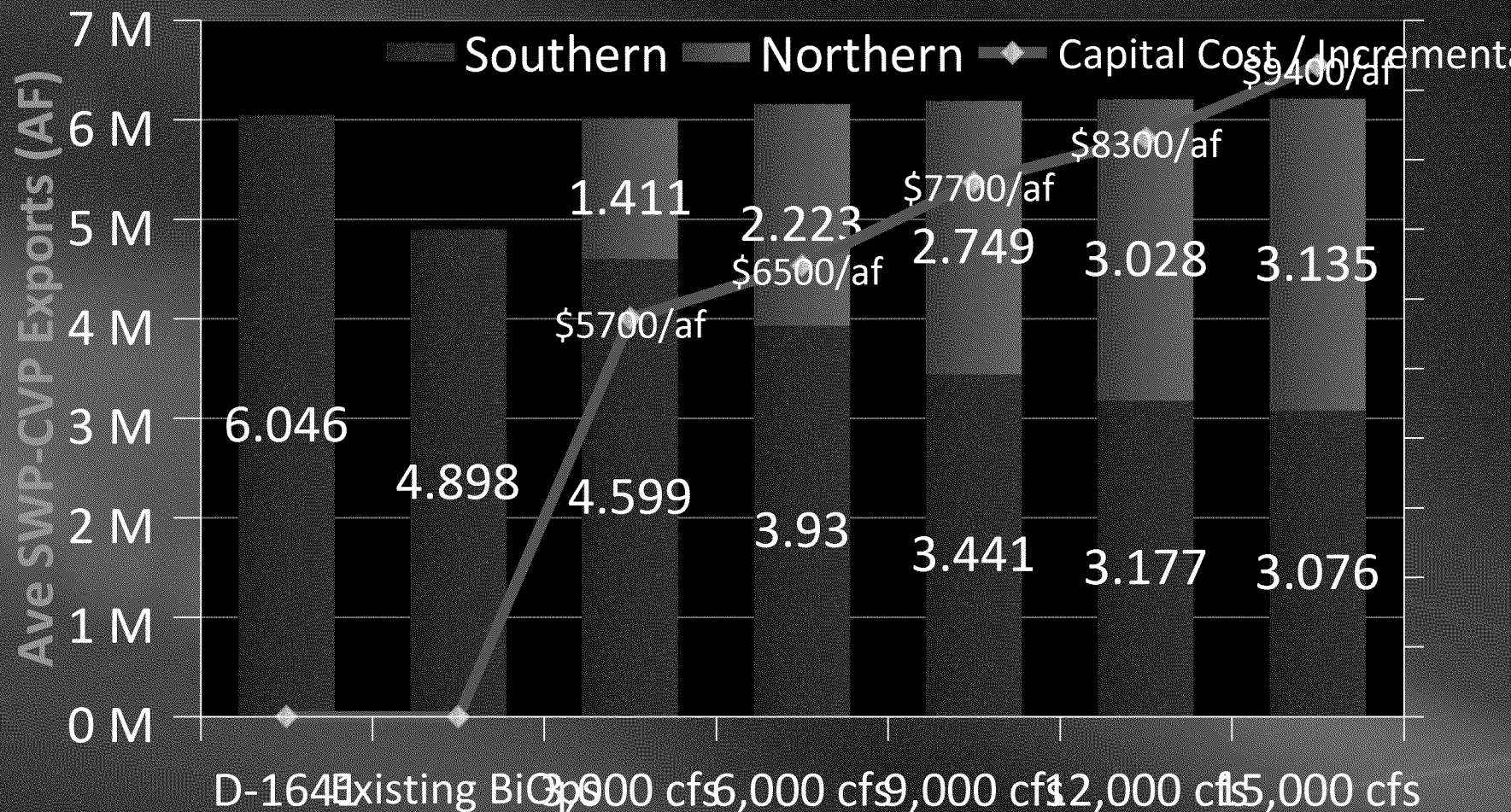
Scenario 1 – Operations forwarded by SC

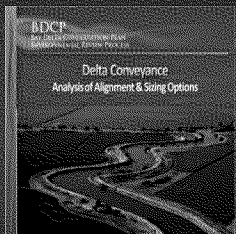




New Delta Conveyance

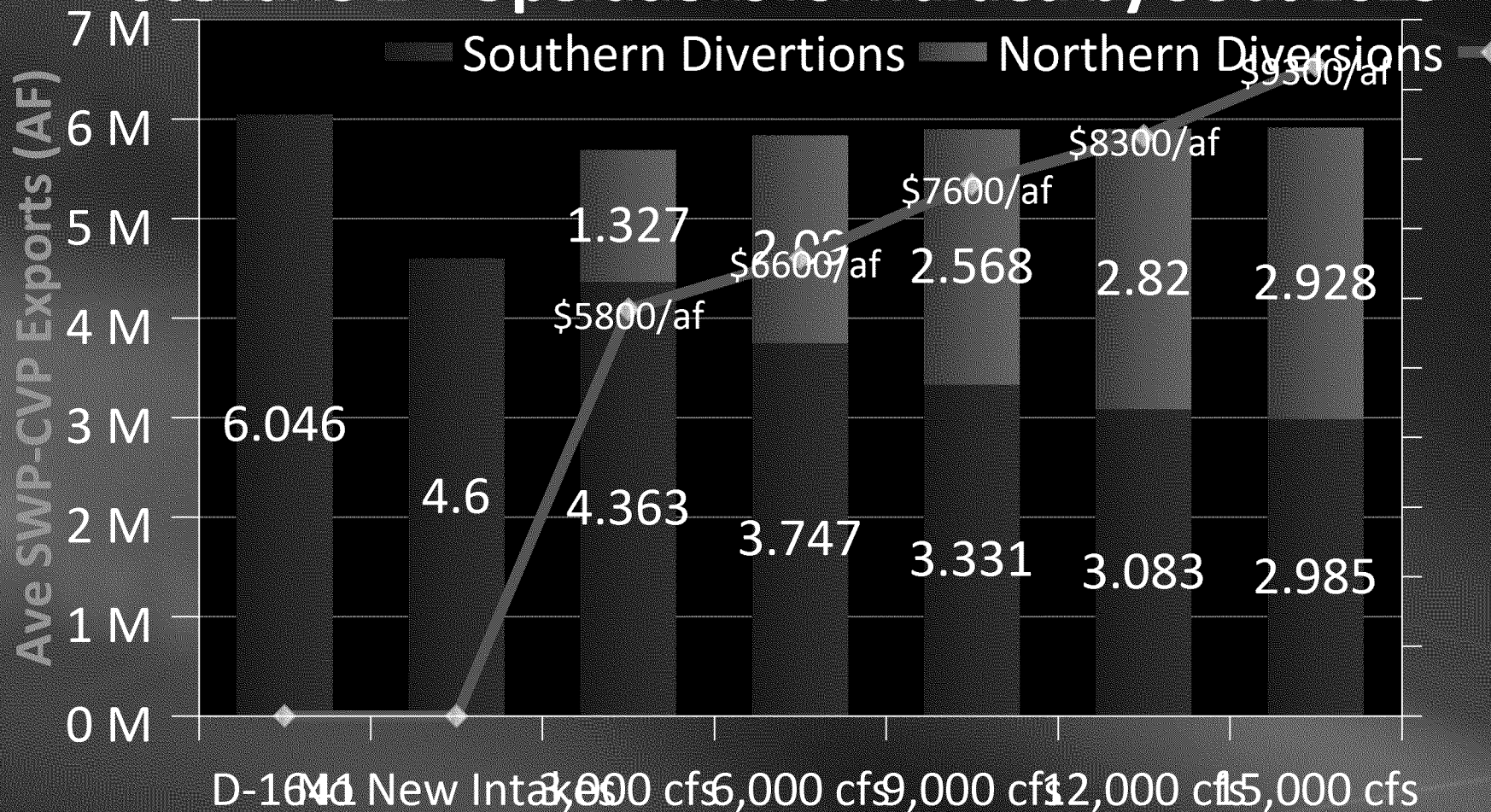
Scenario 1 – Operations forwarded by SC

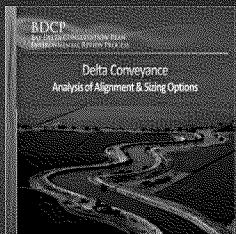




New Delta Conveyance

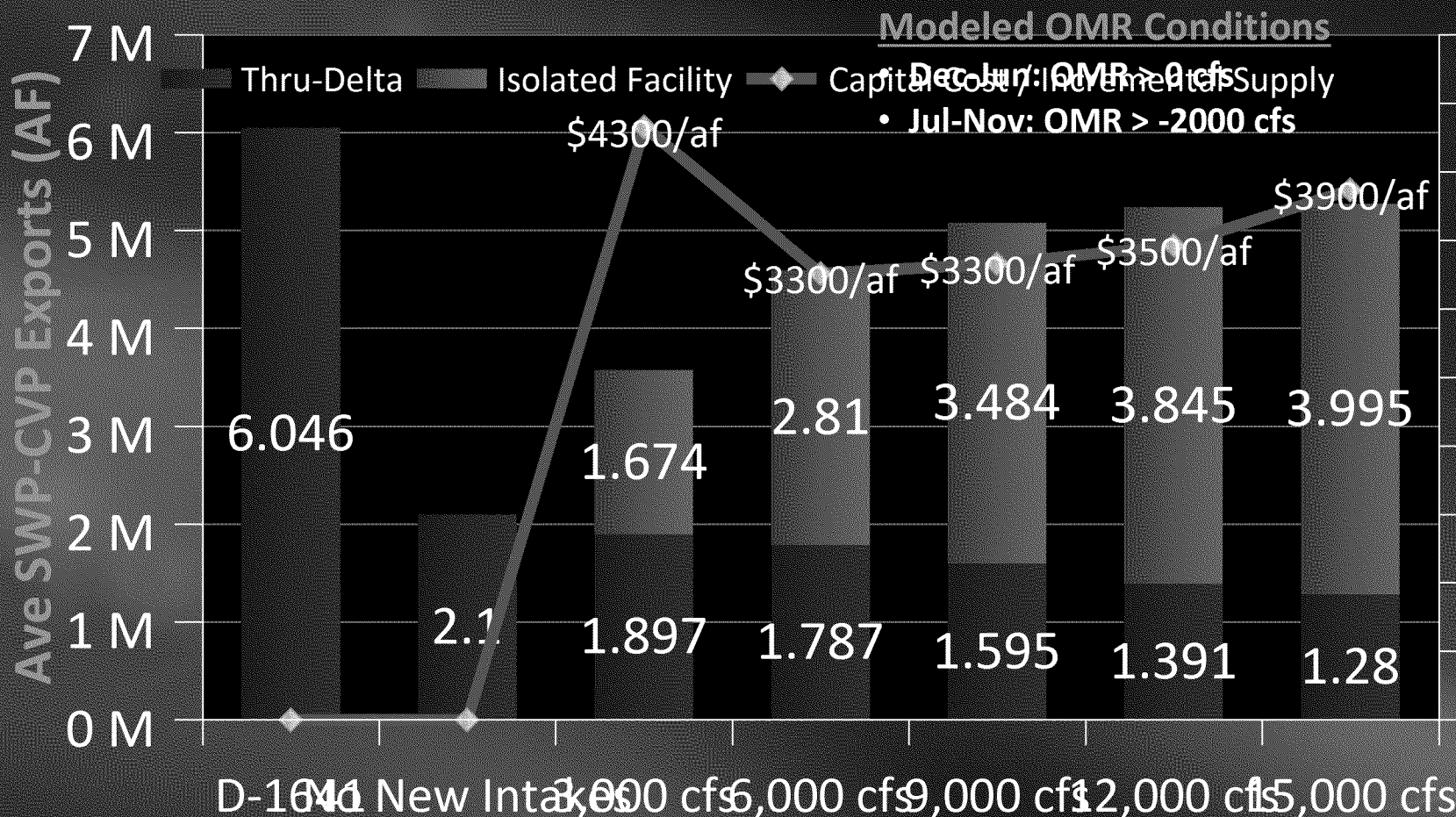
Scenario 2 – Operations forwarded by SC at 2025

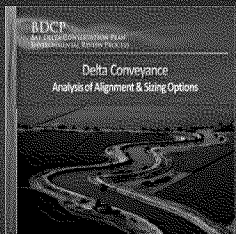




New Delta Conveyance

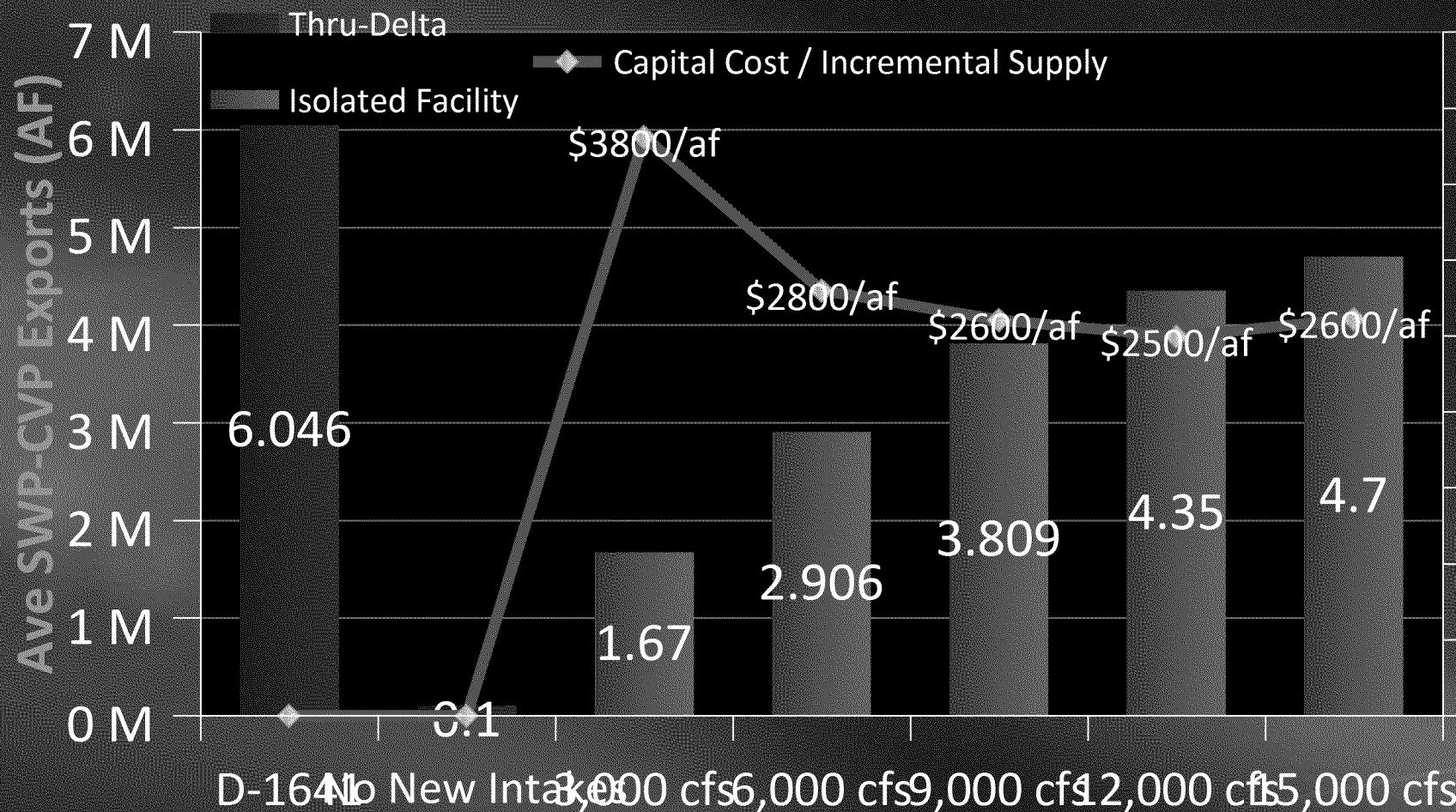
Scenario 3 – More Constrained South Delta Ops

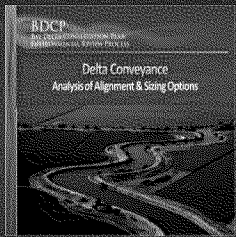




New Delta Conveyance

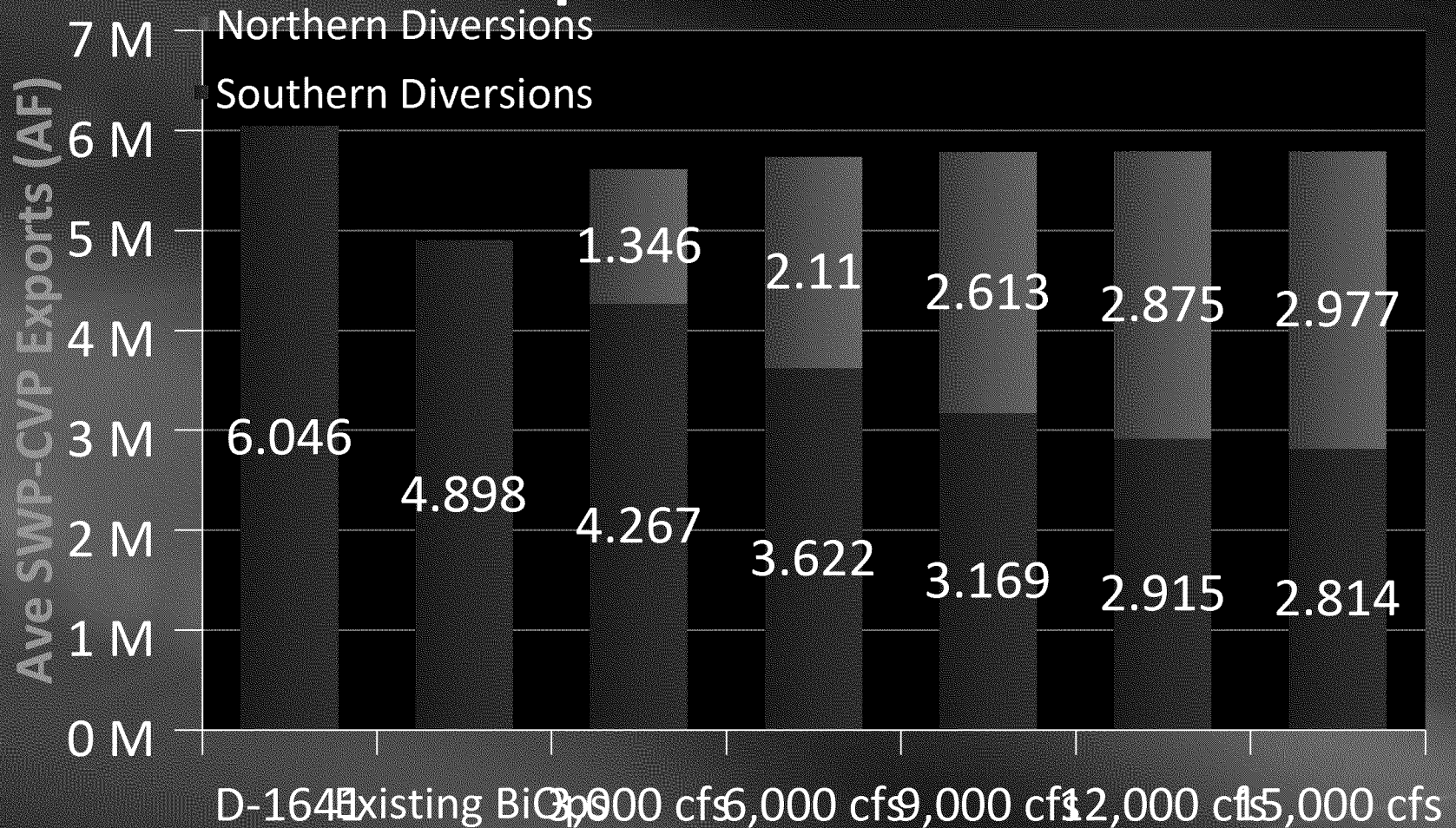
Scenario 4 – No South Delta Diversions

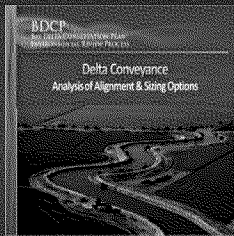




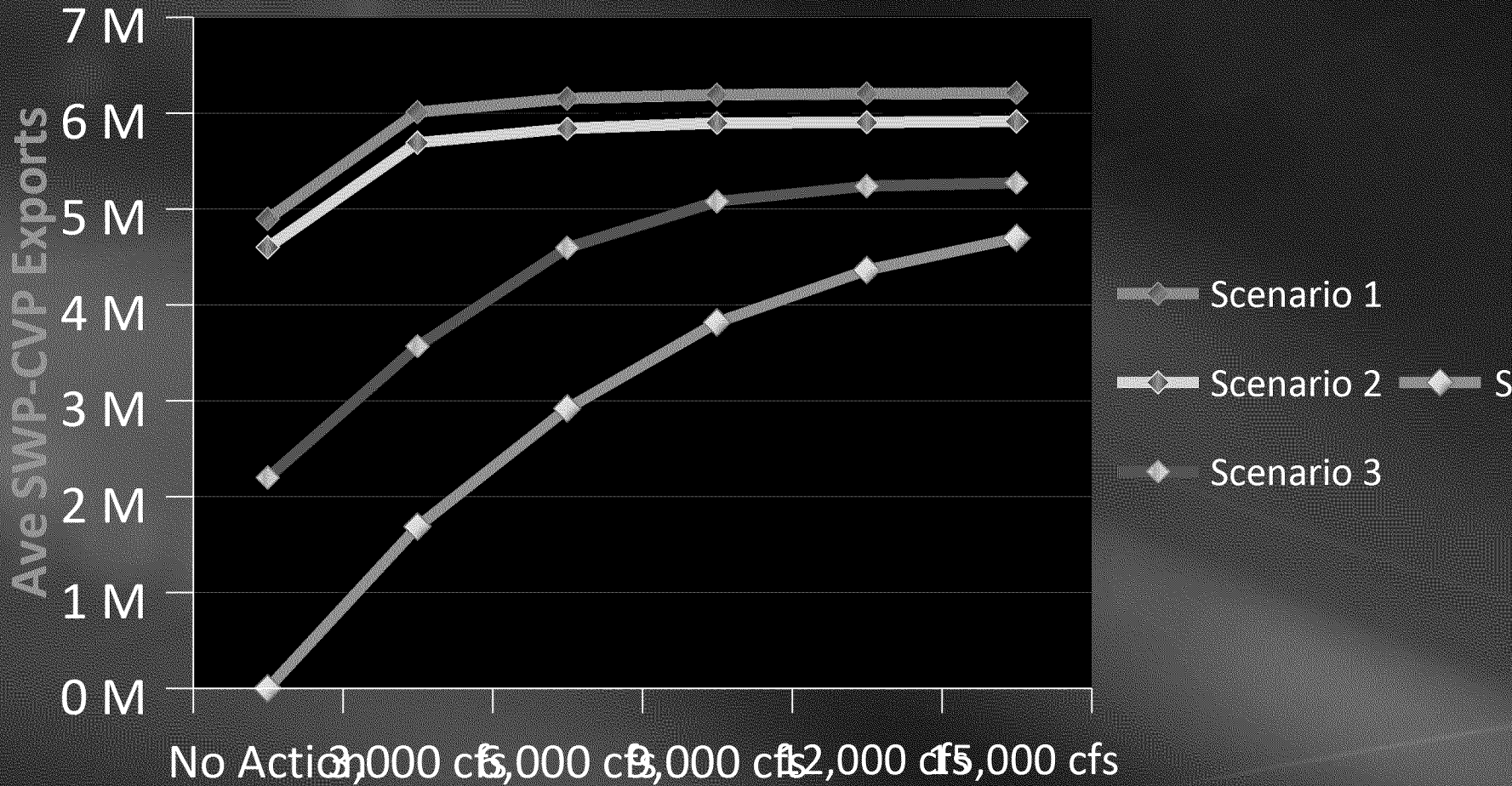
New Delta Conveyance

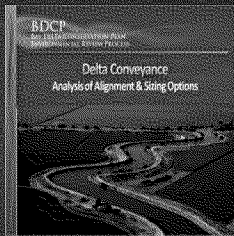
Scenario 5 – Operations with increased outflow





New Delta Conveyance Water Supply – Scenario 1 thru 4

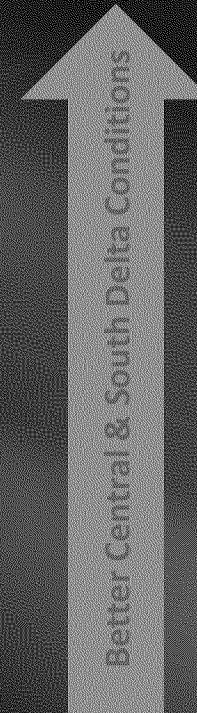
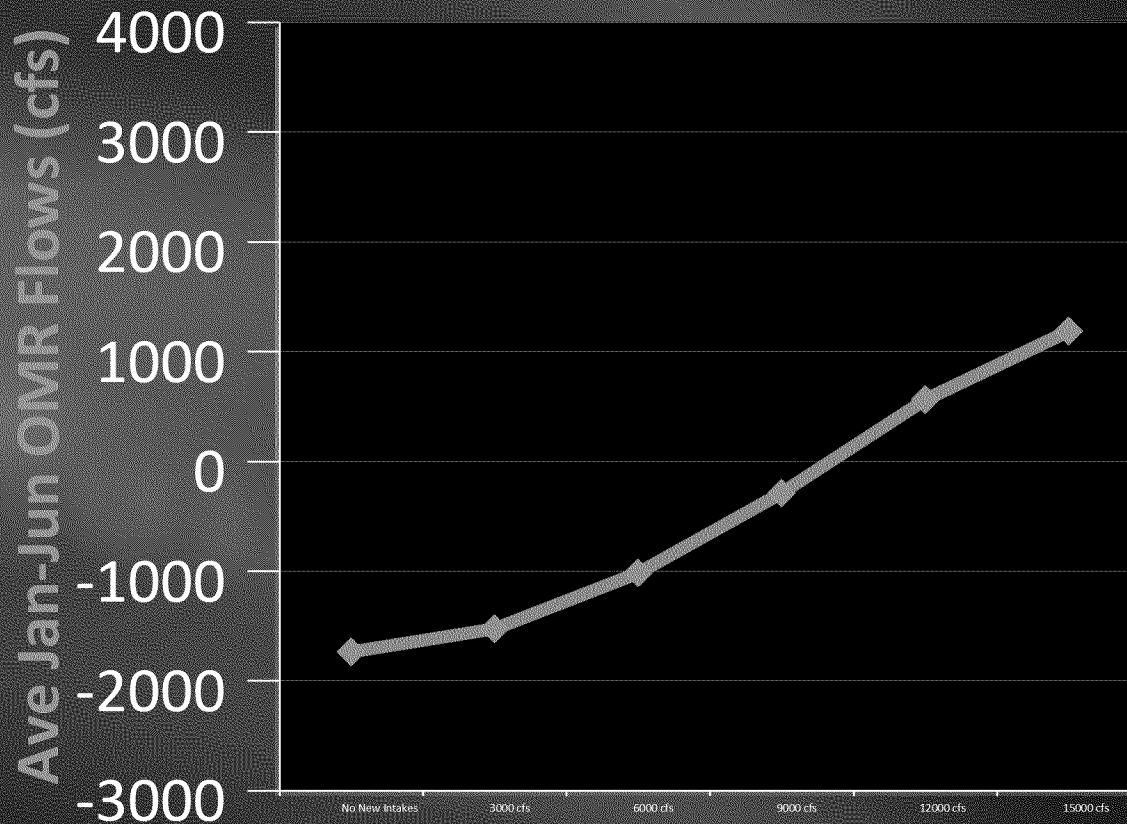




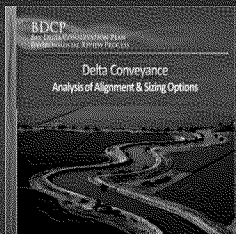
New Delta Conveyance

Old & Middle River Flows – Scenario 1

Average OMR Flow January-June



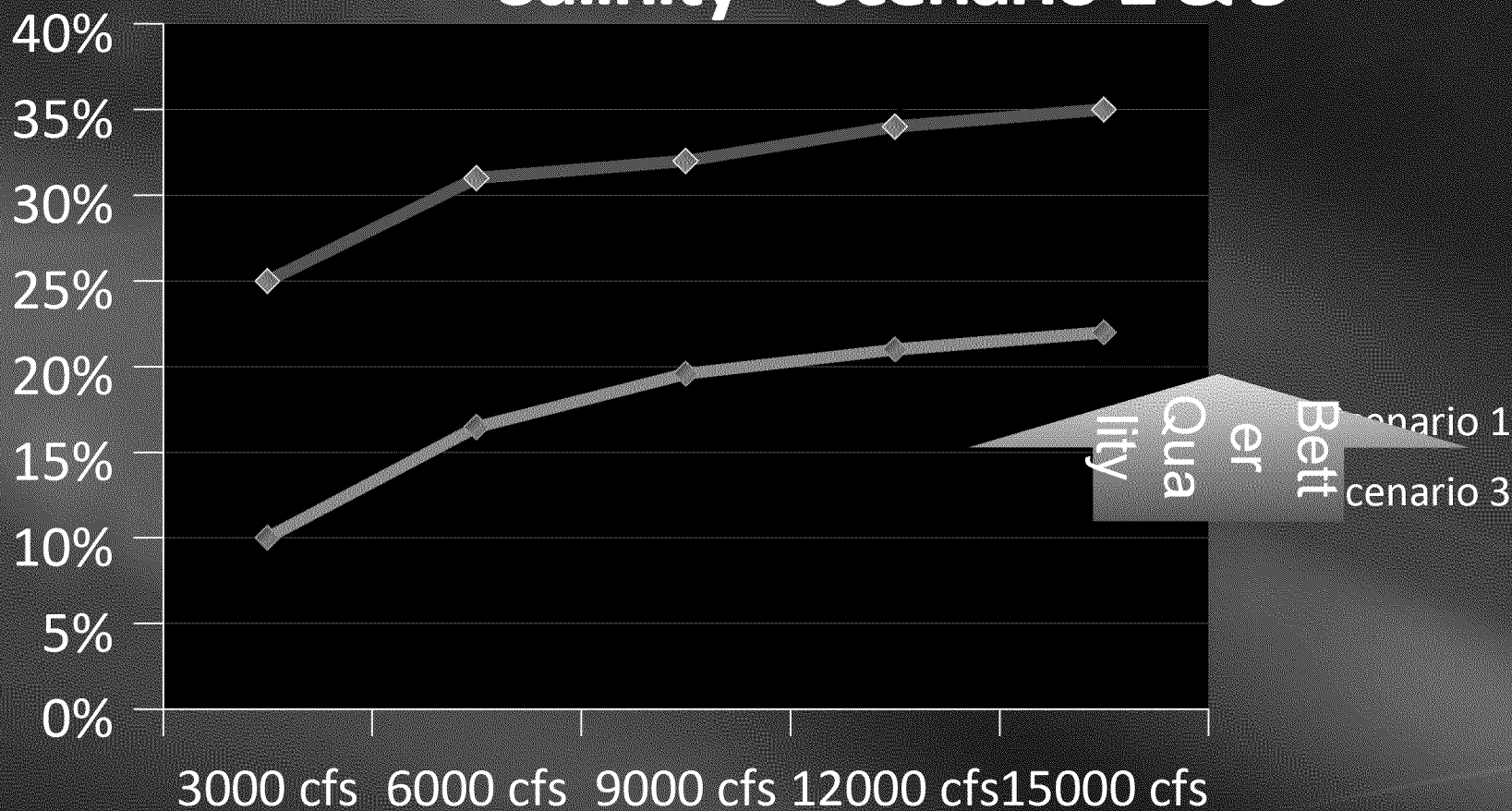
Preliminary Subject to Revision

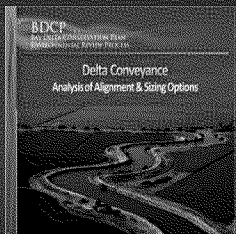


New Delta Conveyance

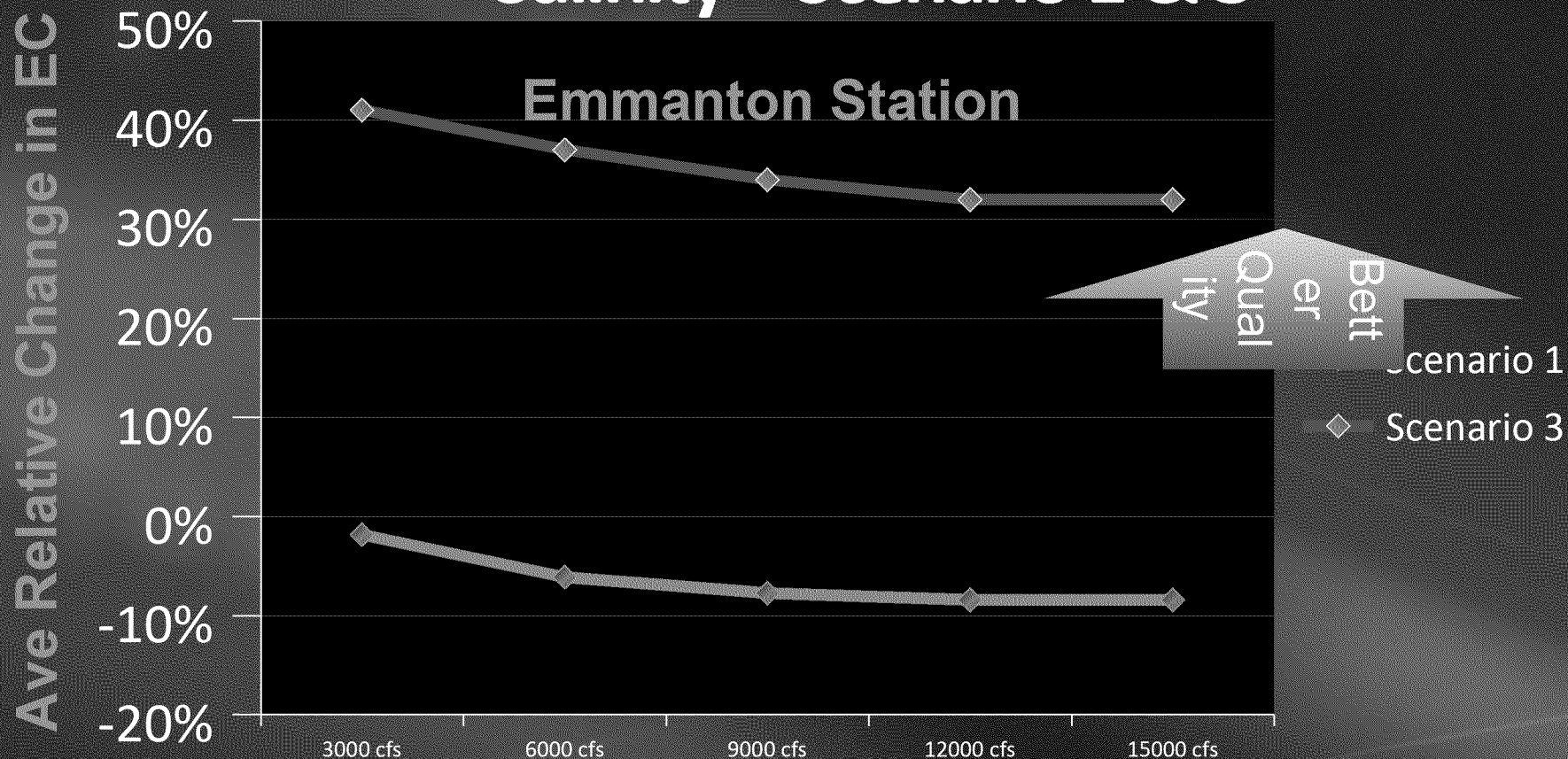
Improved Export Water Quality

Salinity – Scenario 1 & 3





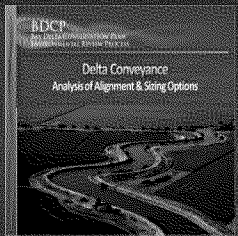
New Delta Conveyance Changed In-Delta Water Quality Salinity – Scenario 1 & 3



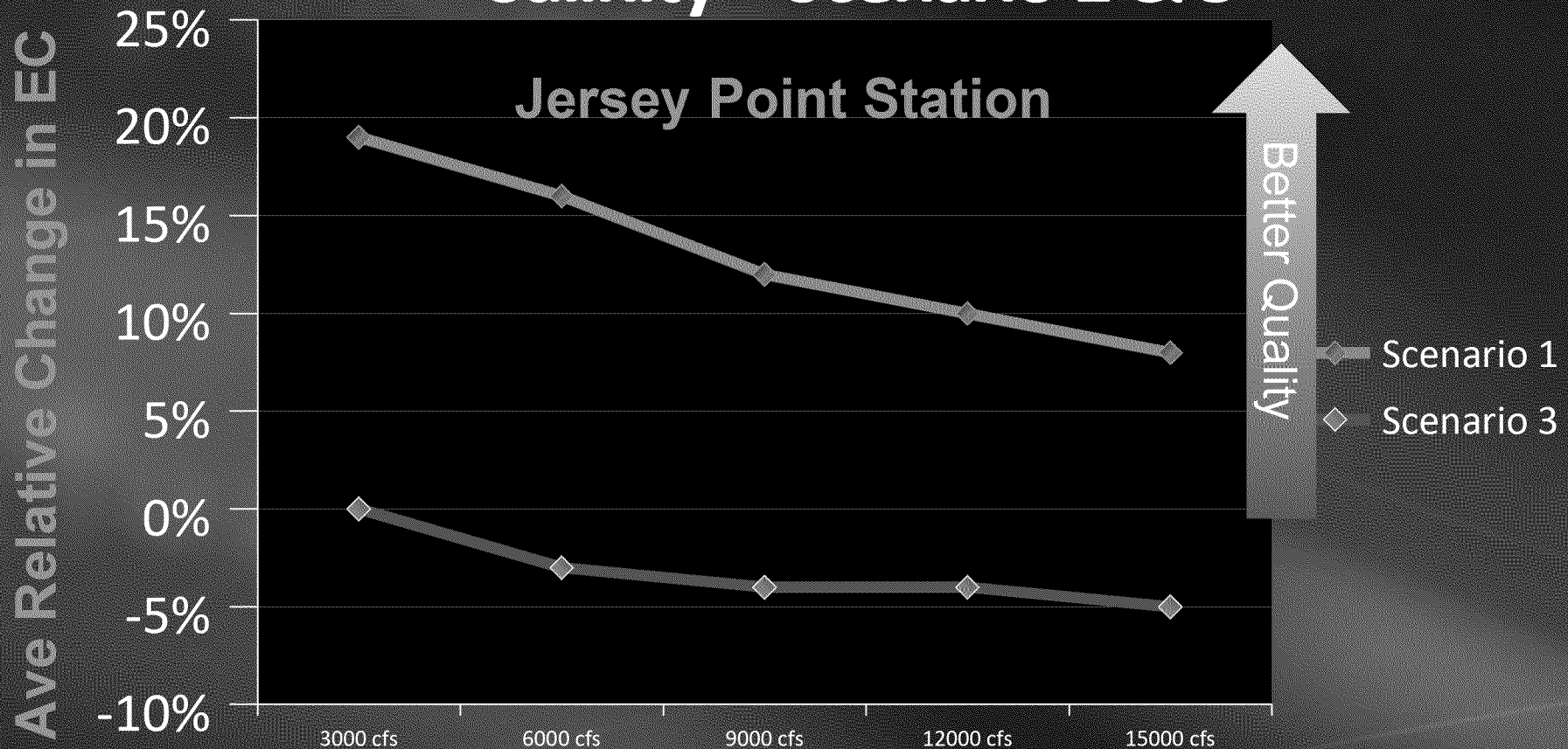
* Water Quality Standard still met

Preliminary Subject to Revision

20



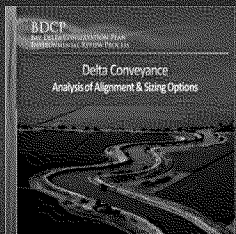
New Delta Conveyance Changed In-Delta Water Quality Salinity – Scenario 1 & 3



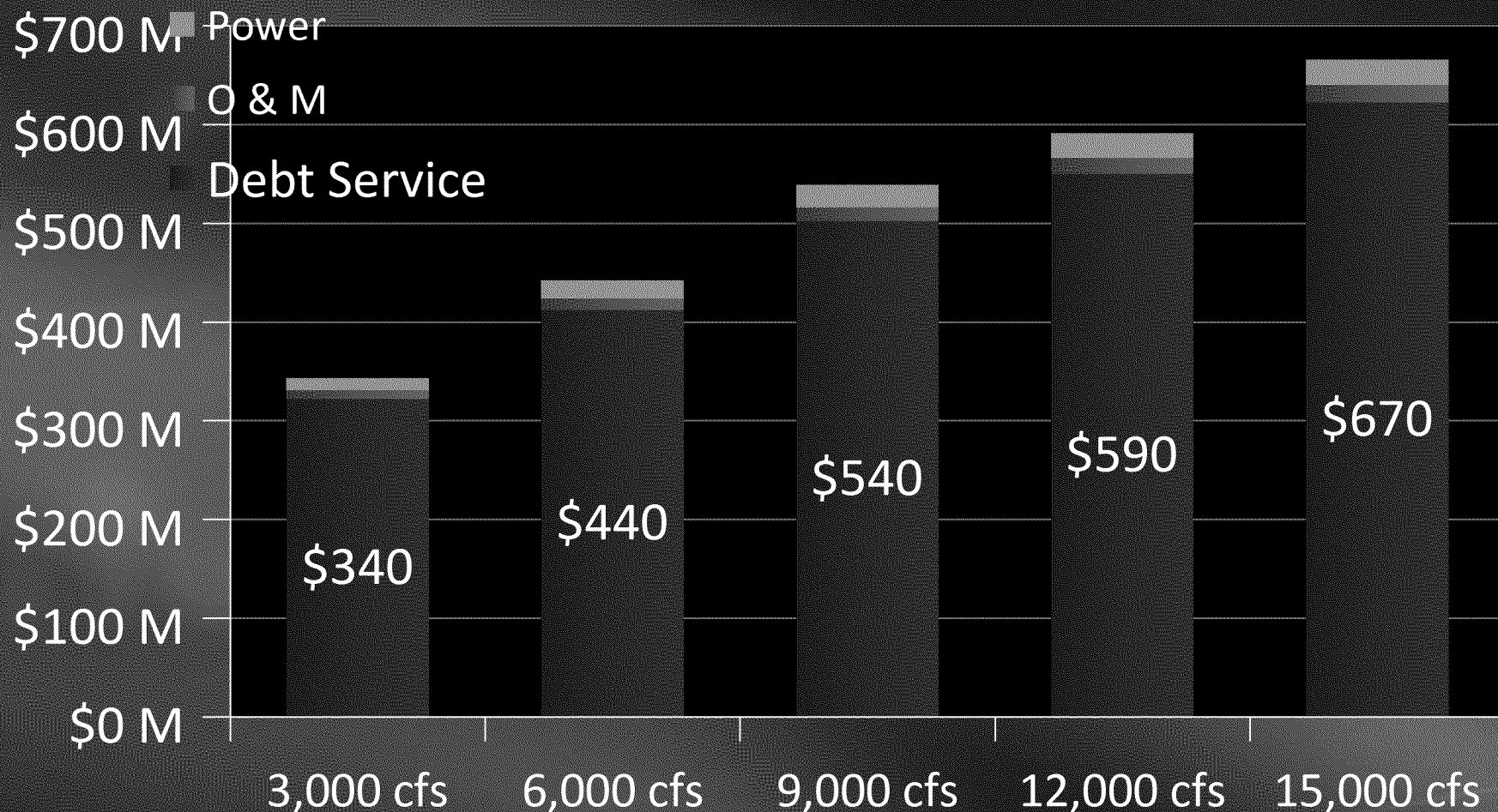
* Water Quality Standard still met

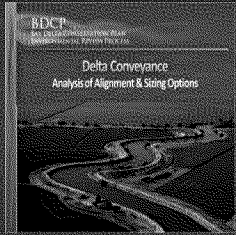
Preliminary Subject to Revision

21



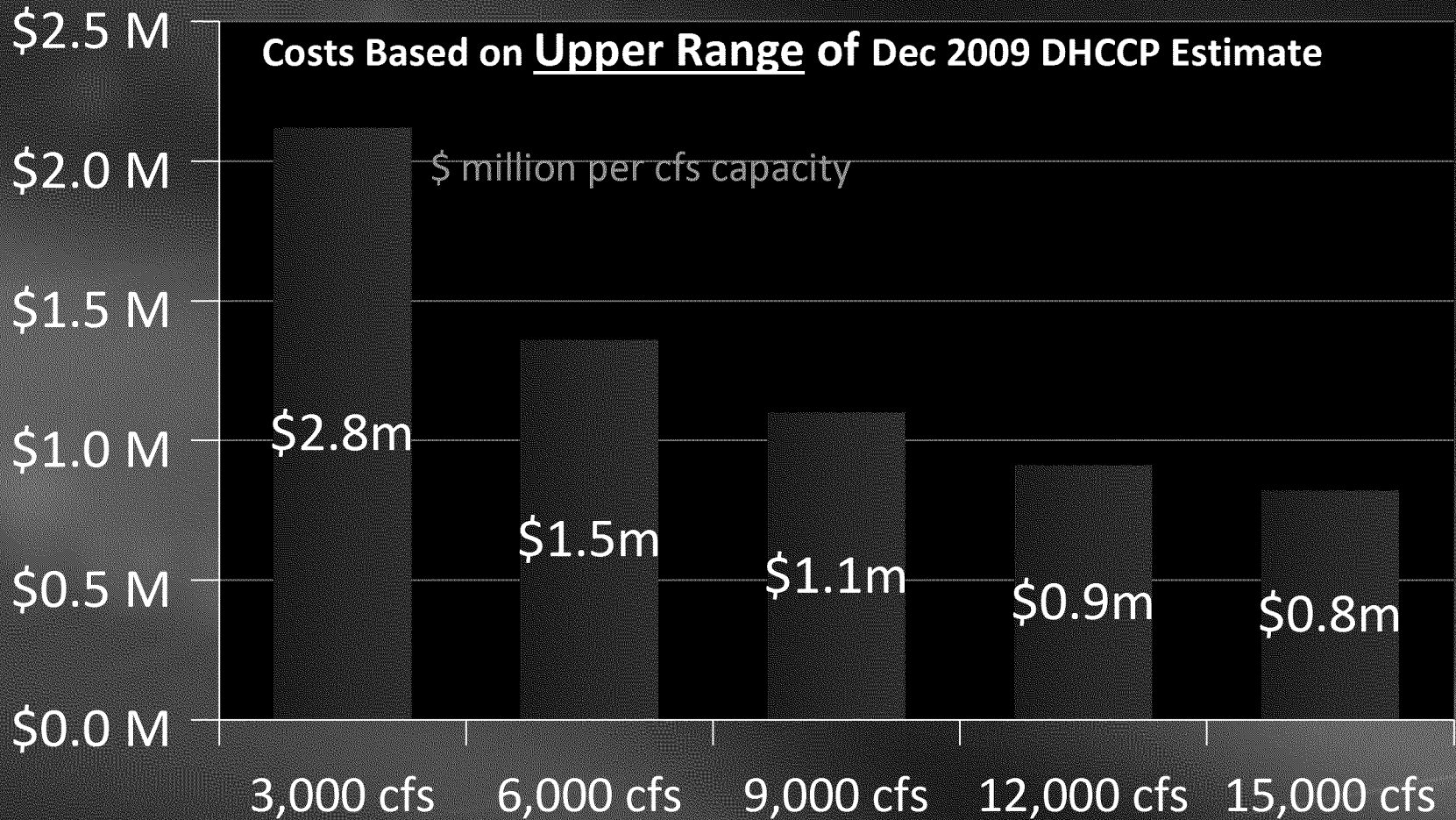
New Delta Conveyance Annual Costs



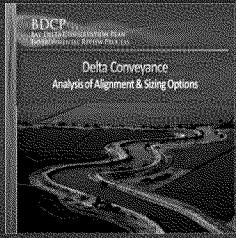


New Delta Conveyance

All Tunnel – Estimated Cost for Capacity

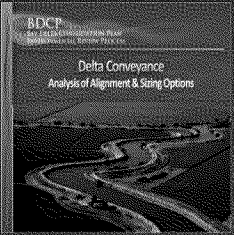


Preliminary Subject to Revision



New Delta Conveyance Concept for Phased Implementation

- Permit full build out subject to testing, monitoring, and adaptive management
- Construct full size tunnels and forebay
- Construct intakes and supporting pumps for the initial phase
- Monitor performance and biological effects of operations and intakes
- Construct additional intakes/pumps per adaptive management



Next Steps on Conveyance Sizing

- Complete Biological Effects Analysis
- Complete Intake Location Sensitivity Evaluation
- Document Water Operations modeling
- Document Cost Estimates
- Complete Optimization Studies of various conveyance designs

Column1	Senario 1 O	Senario 2 OMR	Senario 3 OMR
No New Intakes	(1,734)	591	2,923
3000 cfs	(1,525)	600	2,923
6000 cfs	(1,014)	746	2,923
9000 cfs	(288)	1,060	2,923
12000 cfs	564	1,647	2,923
15000 cfs	1,189	2,309	2,923

	Cost/cfs	Northern	Cost/AF	
3,000 cfs		2.12	\$ 95.73	93.66
6,000 cfs		1.36	\$ 58.90	57.46
9,000 cfs		1.1	\$ 50.96	49.71
12,000 cfs		0.91	\$ 47.71	46.5
15,000 cfs		0.82	\$ 50.40	49.13

	Scenario 1	Scenario 2	Scenario 3	Scenario 4
No Action	4.898	4.600	2.200	0.000
3,000 cfs	6.011	5.690	3.570	1.686
6,000 cfs	6.153	5.837	4.597	2.919
9,000 cfs	6.190	5.899	5.079	3.819
12,000 cfs	6.205	5.904	5.236	4.362
15,000 cfs	6.211	5.914	5.274	4.700

	Debt Service	O & M	Power	
3,000 cfs	322		9 \$ 12.00	343
6,000 cfs	412		12 18	442
9,000 cfs	502		14 23	539
12,000 cfs	550		16 25	591
15,000 cfs	622		18 26	666

Column1	Scenario 1	Scenario 3	Scenario 4	
3000 cfs	19%	0%		
6000 cfs	16%	-3%	base	
9000 cfs	12%	-4%		300
12000 cfs	10%	-4%		
15000 cfs	8%	-5%		

Column1	Scenario 1	Scenario 3	Scenario 4
3000 cfs	-2%	41%	
6000 cfs	-6%	37%	
9000 cfs	-8%	34%	base
12000 cfs	-8%	32%	1050
15000 cfs	-8%	32%	

	Southern Diversion	Northern Diversions
D-1641	6.046	0
Existing BiOps	4.898	0
3,000 cfs	4.267	1.346
6,000 cfs	3.622	2.11
9,000 cfs	3.169	2.613
12,000 cfs	2.915	2.875
15,000 cfs	2.814	2.977

	Thru-Delta	Isolated Facility	Capital Cost / Incremental Supply	
D-1641	6.046	0		90
No New Intakes	0.1	0		90
3,000 cfs		1.67	3810	89.9
6,000 cfs		2.906	2799	54.39
9,000 cfs		3.809	2605	46.4
12,000 cfs		4.35	2497	42.86
15,000 cfs		4.7	2613	43.97

	Southern Diversion	Northern Diversions
D-1641	6.046	0
Existing BiOps	4.898	0
3,000 cfs	4.599	1.411
6,000 cfs	3.93	2.223
9,000 cfs	3.441	2.749
12,000 cfs	3.177	3.028
15,000 cfs	3.076	3.135

	Capital Costs	Northern	Cost/AF	
3,000 cfs	6.36		\$ 95.73	93.66
6,000 cfs	8.135		\$ 58.90	57.46
9,000 cfs	9.92		\$ 50.96	49.71
12,000 cfs	10.86		\$ 47.71	46.5
15,000 cfs	12.28		\$ 50.40	49.13
3000 cfs (1)	4.88			

Column1	Scenario 1	Scenario 3	Scenario 4
3000 cfs	10%	25%	61%
6000 cfs	16%	31%	61%
9000 cfs	20%	32%	61%
12000 cfs	21%	34%	61%
15000 cfs	22%	35%	61%

	Southern	Northern	Capital Cost / Incremental Supply
D-1641	6.046	0	
Existing BiOps	4.898	0	
3,000 cfs	4.599	1.411	5722.00
6,000 cfs	3.93	2.223	6482.00
9,000 cfs	3.441	2.749	7679.00
12,000 cfs	3.177	3.028	8311.00
15,000 cfs	3.076	3.135	9356.00

	Thru-Delta	Isolated Facility	Capital Cost / Incremental Supply		
D-1641	6.046	0			93.66
No New Intakes	2.1	0			93.66
3,000 cfs	1.897	1.674	\$ 4,326.00	-132	93.66
6,000 cfs	1.787	2.81	\$ 3,258.00		57.46
9,000 cfs	1.595	3.484	\$ 3,330.00		49.71
12,000 cfs	1.391	3.845	\$ 3,464.00		46.4
15,000 cfs	1.28	3.995	\$ 3,869.00		48.52

	Southern Div	Northern Diversification	Capital Cost / Incremental Supply
D-1641	6.046	0	
No New Intakes	4.6	0	
3,000 cfs	4.363	1.327	5838.00
6,000 cfs	3.747	2.09	6576.00
9,000 cfs	3.331	2.568	7637.00
12,000 cfs	3.083	2.82	8330.00
15,000 cfs	2.985	2.928	9349.00

111TH CONGRESS
2^D SESSION

S. | |

To establish the Sacramento and San Joaquin River Delta as a National
Heritage Area, and for other purposes.

IN THE SENATE OF THE UNITED STATES

| | | | | | | | | |

Mrs. FEINSTEIN introduced the following bill; which was read twice and
referred to the Committee on | | | | | | | | | |

A BILL

To establish the Sacramento and San Joaquin River Delta
as a National Heritage Area, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Delta Restoration and
5 Recreation Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the Sacramento and San Joaquin River
9 Delta is the largest estuary on the West Coast and
10 a unique treasure that provides a home for more

1 than 750 species of plants and wildlife and 55 spe-
2 cies of fish, including sand hill cranes that migrate
3 to the Delta wetland, traveling from places as far as
4 Siberia, and king salmon, some as large as 60
5 pounds, that return each year to travel through the
6 Delta to spawn in the tributaries of the Delta;

7 (2) the Sacramento and San Joaquin River
8 Delta is a labyrinth of sloughs, wetland, and deep-
9 water channels that connects the waters of the high
10 Sierra mountain streams to the Pacific Ocean
11 through the San Francisco Bay, provides some of
12 the best specialty crops in the United States, and of-
13 fers recreational opportunities to the 2,000,000 Cali-
14 fornians that visit the Delta each year for boating,
15 fishing, hunting, visiting historic sites, and viewing
16 wildlife;

17 (3) before the Sacramento and San Joaquin
18 River Delta was settled, the Delta flooded regularly
19 with snow melt each spring, and in the 1800s, Chi-
20 nese workers built hundreds of miles of levees
21 throughout the waterways of the Delta to reclaim
22 and preserve farmland on the rich peat soils of the
23 Delta and to control flooding in the Delta;

24 (4) the approximately 60 islands of the Sac-
25 ramento and San Joaquin River Delta are protected

1 by 1,100 miles of levees, and Federal and State-
2 owned pumps in the South Delta provide water to
3 23,000,000 Californians and 3,000,000 acres of irri-
4 gated agricultural land;

5 (5) the Sacramento and San Joaquin River
6 Delta is in crisis, as invasive species are predomi-
7 nant in the Delta, the native species of the Delta,
8 including the massive salmon that support coastal
9 economies, are in decline, pollutants and chemicals
10 have deteriorated the water quality, studies indicate
11 that effluent from wastewater treatment plants on
12 the rivers and tributaries of the Delta have changed
13 the food web and negatively impacted native species,
14 and derelict ships, in particular, the Ghost Fleet of
15 abandoned World War II era military ships, leach
16 toxic chemicals into the waterways;

17 (6) the Sacramento and San Joaquin River
18 Delta is at risk, as levees and water exports have al-
19 tered the flow of water through the system, many of
20 the islands of the Delta are between 10 and 20 feet
21 below sea level, many of the levees in the Delta are
22 at risk of failure, threatening communities and in-
23 frastructure with flooding, and the risk of an earth-
24 quake in Delta is high;

1 (7) an earthquake and subsequent flood in the
2 Sacramento and San Joaquin River Delta would
3 cause tremendous losses in the Delta, jeopardize
4 water supply across the State of California, includ-
5 ing parts of the Bay Area, the high-tech centers in
6 Silicon Valley, and the agricultural centers of Cen-
7 tral and Southern California, jeopardize the drinking
8 water of 23,000,000 Californians, devastate an al-
9 ready fragile ecosystem, and potentially result in a
10 sudden rush of seawater into the interior of the
11 Delta, the flooding of agricultural land with salt
12 water, the inundation of towns, and the elimination
13 of roads, power lines, and water conveyance struc-
14 tures;

15 (8) the State of California has been working for
16 years on a resolution to the water supply and eco-
17 system crisis in the State, and most proposals to re-
18 solve the crisis include significant ecosystem restora-
19 tion work, much of which would take place and alter
20 the land and water use in the Sacramento and San
21 Joaquin River Delta;

22 (9) the State of California has made the res-
23 toration of the Sacramento and San Joaquin River
24 Delta and the improvement of water supply reli-
25 ability a priority, and restoration work in the Delta,

1 including work in tidal habitat, floodplains, and ri-
2 parian zones, will be necessary to recover endan-
3 gered species and preserve water quality in the
4 Delta;

5 (10) local economies will need to be bolstered as
6 agricultural areas are allowed to become wetlands
7 and wildlife habitat in the restoration of the Sac-
8 ramento and San Joaquin River Delta;

9 (11) the Delta Protection Commission has been
10 tasked by the California State Legislature with pro-
11 viding a forum for Delta residents to engage in deci-
12 sions regarding actions to recognize and enhance the
13 unique cultural, recreational, and agricultural re-
14 sources of the Delta and to serve as the facilitating
15 agency for the implementation of a National Herit-
16 age Area in the Delta;

17 (12) the Delta Conservancy has been tasked by
18 the California State Legislature with implementing
19 ecosystem restoration activities in the Sacramento
20 and San Joaquin River Delta; and

21 (13) significant investment from Federal, State,
22 local, and private sources is necessary to restore and
23 sustain the ecosystem in the Delta, to provide for re-
24 liable water supply in the State of California, to re-
25 cover the native species of the Sacramento and San

1 Joaquin River Delta, to protect communities from
2 flood risk, to ensure economic sustainability, and to
3 improve water quality.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) COMMISSION.—The term “Commission”
7 means the Delta Protection Commission established
8 by section 29735 of the California Public Resources
9 Code.

10 (2) DELTA CONSERVANCY.—The term “Delta
11 Conservancy” means the Sacramento-San Joaquin
12 Delta Conservancy established by section 32320 of
13 the California Public Resources Code.

14 (3) DELTA COUNTY.—The term “Delta Coun-
15 ty” means any of—

- 16 (A) Contra Costa County, California;
- 17 (B) Sacramento County, California;
- 18 (C) San Joaquin County, California;
- 19 (D) Solano County, California; and
- 20 (E) Yolo County, California.

21 (4) DELTA.—The term “Delta” means the Sac-
22 ramento/San Joaquin River Delta Primary Zone (as
23 defined in section 12220 of the California Water
24 Code).

1 (5) LOCAL GOVERNMENT.—The term “local
2 government” means—

3 (A) Contra Costa County, California;

4 (B) Sacramento County, California;

5 (C) San Joaquin County, California;

6 (D) Solano County, California;

7 (E) Yolo County, California; and

8 (F) any city incorporated (in whole or in
9 part) in any of the Delta.

10 (6) HERITAGE AREA MANAGEMENT PLAN.—The
11 term “Heritage Area management plan” means the
12 plan developed and adopted by the Commission
13 under section 4(d).

14 (7) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

16 (8) STATE.—The term “State” means the State
17 of California.

18 **SEC. 4. DELTA HERITAGE AREA.**

19 (a) ESTABLISHMENT.—The Delta is established as a
20 national Heritage Area, to be known as the “Delta Herit-
21 age Area”, for the purpose of providing for—

22 (1) the economic sustainability of the Delta by
23 protecting and enhancing the economic viability of
24 agriculture and the ongoing vitality of communities
25 in the Delta, including by supporting regional eco-

1 nomic development efforts associated with agri-
2 culture, recreation, and tourism;

3 (2) flood protection and public safety improve-
4 ments;

5 (3) water quality; and

6 (4) ecosystem restoration in the Delta.

7 (b) MANAGEMENT ENTITY.—The managing entity
8 for the Delta Heritage Area shall be the Delta Protection
9 Commission.

10 (c) DUTIES.—As a condition of receiving funding
11 under this Act, the Commission, to support the purposes
12 of the Delta Heritage Area, shall—

13 (1) prepare, and submit to the Secretary, a
14 Heritage Area management plan in accordance with
15 this Act;

16 (2) submit to the Secretary an annual report
17 for each fiscal year for which the Commission re-
18 ceives Federal funds under this Act, specifying—

19 (A) the specific performance goals and ac-
20 complishments of the Commission;

21 (B) the expenses and income of the Com-
22 mission;

23 (C) the amounts and sources of matching
24 funds;

1 (D) the amounts leveraged with Federal
2 funds and sources of the leveraging; and

3 (E) any grants made to any other entities
4 during the fiscal year; and

5 (3) make available for audit for each fiscal year
6 for which the Commission receives Federal funds
7 under this Act, relevant information and records
8 pertaining to the expenditure of the funds and any
9 matching funds.

10 (d) HERITAGE AREA MANAGEMENT PLAN.—

11 (1) PREPARATION AND ADOPTION BY THE COM-
12 MISSION.—

13 (A) IN GENERAL.—Not later than 1 year
14 after the date of enactment of this Act, as a
15 condition of receiving funding under this Act,
16 the Commission shall prepare, approve, and
17 submit to the Secretary a Heritage Area man-
18 agement plan.

19 (B) PLANS UNDER CALIFORNIA PUBLIC
20 RESOURCES CODE.—The Commission may sub-
21 mit as the Heritage Area management plan the
22 resource management plan or economic sustain-
23 ability plan that the Commission is required to
24 prepare pursuant to section 27959 or 27960 of
25 the California Public Resources Code, if at least

1 1 of those plans meets all the requirements de-
2 scribed in paragraph (2).

3 (2) REQUIREMENTS.—The Heritage Area man-
4 agement plan shall—

5 (A) include a description of actions to pro-
6 tect, enhance, interpret, fund, manage, and de-
7 velop the natural, historical, cultural, edu-
8 cational, scenic, ecological, agricultural, and
9 recreational resources of the Delta Heritage
10 Area;

11 (B) specify existing and potential sources
12 of funding or economic development strategies
13 to protect, enhance, interpret, fund, manage,
14 and develop the Delta Heritage Area;

15 (C) recommend policies and strategies for
16 resource management, including the develop-
17 ment of intergovernmental and interagency
18 agreements to protect, enhance, interpret, fund,
19 manage, and develop the natural, historical, cul-
20 tural, educational, scenic, ecological, agricul-
21 tural, and recreational resources of the Delta
22 Heritage Area;

23 (D) describe a program for implementation
24 for the Heritage Area management plan, in-
25 cluding—

- 1 (i) priorities;
2 (ii) performance goals;
3 (iii) plans for resource protection, en-
4 hancement, interpretation, funding, man-
5 agement, and development; and

- 6 (iv) specific commitments for imple-
7 mentation that have been made by the
8 Delta Conservancy or any Federal, State,
9 tribal or local government agency, organi-
10 zation, business, or individual;

- 11 (E) ensure the participation by the diverse
12 interests of the Delta Heritage Area, including
13 Federal, State, tribal, and local governments,
14 natural, and historical resource protection orga-
15 nizations, educational institutions, businesses,
16 recreational organizations, community resi-
17 dents, and private property owners; and

- 18 (F) be consistent with relevant California
19 State laws.

20 (3) CONSIDERATION BY SECRETARY.—

- 21 (A) IN GENERAL.—Not later than 120
22 days after the date on which the Secretary re-
23 ceives a Heritage Area management plan, the
24 Secretary shall approve the plan if—

1 (i) the Heritage Area management
2 plan meets the criteria described in para-
3 graph (2);

4 (ii) the Heritage Area management
5 plan would not adversely affect any activi-
6 ties authorized on Federal land under Fed-
7 eral public land laws or land use plans;

8 (iii) the Commission has demonstrated
9 the financial capability, in partnership with
10 other persons, to carry out the Heritage
11 Area management plan; and

12 (iv) the Secretary has received ade-
13 quate assurances from the appropriate
14 State, tribal, and local officials whose sup-
15 port is necessary to ensure the effective
16 implementation of the State, tribal, and
17 local elements of the Heritage Area man-
18 agement plan.

19 (B) DISAPPROVAL.—If the Secretary dis-
20 approves the Heritage Area management plan,
21 the Secretary shall—

22 (i) advise the Commission in writing
23 of the reasons for the disapproval; and

1 (ii) make recommendations to the
2 Commission for revisions to the Heritage
3 Area management plan.

4 (C) AMENDMENTS.—

5 (i) IN GENERAL.—An amendment to
6 the Heritage Area management plan that
7 substantially alters the purposes of the
8 Delta Heritage Area shall be reviewed by
9 the Secretary and approved or disapproved
10 in the same manner as the original Herit-
11 age Area management plan.

12 (ii) IMPLEMENTATION.—The Commis-
13 sion may not use Federal funds authorized
14 by this Act to implement an amendment to
15 the Heritage Area management plan until
16 the Secretary approves the amendment.

17 (4) AUTHORITIES.—The Secretary may—

18 (A) provide technical and financial assist-
19 ance under this Act for the development and
20 implementation of the Heritage Area manage-
21 ment plan; and

22 (B) enter into cooperative agreements with
23 interested parties to carry out this Act.

24 (5) DEADLINE.—If the Commission fails to
25 submit to the Secretary a proposed Heritage Area

1 management plan by the date that is 3 years after
2 the date of enactment of this Act, the Commission
3 shall be ineligible to receive additional funding under
4 this Act until the date on which the Secretary re-
5 ceives and approves the Heritage Area management
6 plan.

7 (e) EVALUATION; REPORT.—

8 (1) IN GENERAL.—Not later than 8 years after
9 the date of enactment of this Act, the Secretary
10 shall—

11 (A) conduct an evaluation of the accom-
12 plishments of the Delta Heritage Area; and

13 (B) prepare a report in accordance with
14 paragraph (2).

15 (2) REPORT.—Based on the evaluation con-
16 ducted under paragraph (1)(A), the Secretary shall
17 submit to the Committee on Natural Resources of
18 the House of Representatives and the Committee on
19 Energy and Natural Resources of the Senate a re-
20 port that shall include recommendations for the fu-
21 ture role of the Department of the Interior, if any,
22 with respect to the Delta Heritage Area.

23 (f) AUTHORITIES.—For the purposes of preparing
24 and implementing the approved Heritage Area manage-

1 ment plan, the Commission may use Federal funds made
2 available under this Act—

3 (1) to make grants to political jurisdictions,
4 nonprofit organizations, and other parties in the
5 Delta Heritage Area;

6 (2) to enter into cooperative agreements with or
7 provide technical assistance to political jurisdictions,
8 nonprofit organizations, Federal agencies, and other
9 interested parties;

10 (3) to hire and compensate staff, including indi-
11 viduals with expertise in—

12 (A) natural, historical, cultural, edu-
13 cational, scenic, ecological, agricultural, and
14 recreational resource conservation;

15 (B) economic and community development;
16 and

17 (C) restoration and recreation planning;

18 (4) to obtain funds or services from any source,
19 including other Federal programs;

20 (5) to contract for goods or services;

21 (6) to support activities of partners and any
22 other activities that—

23 (A) further the purposes of the Delta Her-
24 itage Area; and

1 (B) are consistent with the approved Her-
2 itage Area management plan; and

3 (7) to prepare and implement the Heritage
4 Area management plan.

5 (g) OPT OUT.—An owner of private property within
6 the Delta Heritage Area may opt out of participating in
7 any plan, project, program, or activity carried out within
8 the Delta Heritage Area, if the property owner provides
9 written notice to the Commission.

10 **SEC. 5. CONSERVANCY RESTORATION ACTIVITIES.**

11 (a) IN GENERAL.—The Secretary may provide grants
12 to appropriate State and local entities, including the Delta
13 Conservancy—

14 (1) to develop and implement ecosystem res-
15 toration in the Delta and increase the resilience of
16 the Delta to the effects of natural disasters such as
17 floods and earthquakes;

18 (2) to develop and implement water resource
19 conservation, management, and enhancement activi-
20 ties that benefit—

21 (A) the ecosystem in the Delta; and

22 (B) the quality and quantity of water or
23 level of flood resilience in the Delta;

1 (3) to develop and implement habitat conserva-
2 tion plans, natural community conservation plans,
3 and the Bay Delta Conservation Plan; and

4 (4) to develop and implement the strategic plan
5 described in subsection (b) to achieve the goals of
6 the Delta Conservancy.

7 (b) STRATEGIC PLAN.—

8 (1) PREPARATION AND ADOPTION BY THE
9 DELTA CONSERVANCY.—

10 (A) IN GENERAL.—Not later than 1 year
11 after the date of enactment of this Act, as a
12 condition of receiving funding under this Act,
13 the Conservancy shall prepare, approve, and
14 submit to the Secretary a strategic plan.

15 (B) PLANS UNDER CALIFORNIA PUBLIC
16 RESOURCES CODE.—The Conservancy may sub-
17 mit to the Secretary under this paragraph the
18 strategic plan that the Conservancy is required
19 to prepare under section 32376 of the Cali-
20 fornia Public Resources Code, if that plan
21 meets all the requirements described in para-
22 graph (2).

23 (2) REQUIREMENTS.—The strategic plan
24 shall—

1 (A) describe the interaction of the plan
2 with Federal, regional, State, and local land
3 use, recreation, water and flood management,
4 and habitat conservation and protection efforts
5 within and adjacent to the Delta;

6 (B) establish priorities and criteria for
7 projects and programs, based on an assessment
8 of program requirements, institutional capabili-
9 ties, and funding needs throughout the Delta;
10 and

11 (C) describe a program for implementation
12 of the strategic plan, including—

13 (i) performance goals;

14 (ii) plans for resource protection, en-
15 hancement, interpretation, funding, man-
16 agement, and development; and

17 (iii) specific commitments for imple-
18 mentation that have been made by any
19 Federal, State, tribal, or local government
20 agency, organization, business, or indi-
21 vidual.

22 (3) CONSIDERATION BY SECRETARY.—

23 (A) IN GENERAL.—Not later than 120
24 days after the date on which the Secretary re-

1 receives a strategic plan, the Secretary shall ap-
2 prove the strategic plan if—

3 (i) the strategic plan meets the cri-
4 teria described in paragraph (2);

5 (ii) the strategic plan would not ad-
6 versely affect any activities authorized on
7 Federal land under Federal public land
8 laws or land use plans;

9 (iii) the Delta Conservancy has dem-
10 onstrated the financial capability, in part-
11 nership with other persons, to carry out
12 the strategic plan; and

13 (iv) the Secretary has received ade-
14 quate assurances from the appropriate
15 State, tribal, and local officials whose sup-
16 port is necessary to ensure the effective
17 implementation of the State, tribal, and
18 local elements of the strategic plan.

19 (B) DISAPPROVAL.—If the Secretary dis-
20 approves the strategic plan, the Secretary
21 shall—

22 (i) advise the Delta Conservancy in
23 writing of the reasons for the disapproval;
24 and

1 (ii) make recommendations to the
2 Delta Conservancy for revisions to the
3 strategic plan.

4 (C) AMENDMENTS.—

5 (i) IN GENERAL.—An amendment to
6 the strategic plan that substantially alters
7 the purposes of the Delta Conservancy
8 shall be reviewed by the Secretary and ap-
9 proved or disapproved in the same manner
10 as the original strategic plan.

11 (ii) IMPLEMENTATION.—The Delta
12 Conservancy may not use Federal funds
13 made available by this Act to implement an
14 amendment to the strategic plan until the
15 Secretary approves the amendment.

16 (4) AUTHORITIES.—The Secretary may—

17 (A) provide technical and financial assist-
18 ance under this Act for the development and
19 implementation of the strategic plan; and

20 (B) enter into cooperative agreements with
21 interested parties to carry out this Act.

22 (5) DEADLINE.—If the Delta Conservancy fails
23 to submit to the Secretary a proposed strategic plan
24 by the date that is 3 years after the date of enact-
25 ment of this Act, the Delta Conservancy shall be in-

1 eligible to receive additional funding under this Act
2 until the date on which the Secretary receives and
3 approves the strategic plan.

4 (c) EVALUATION; REPORT.—

5 (1) IN GENERAL.—Not later than 3 years be-
6 fore the date described in section 10, the Secretary
7 shall—

8 (A) conduct an evaluation of the accom-
9 plishments of the strategic plan; and

10 (B) prepare a report in accordance with
11 paragraph (2).

12 (2) REPORT.—Based on the evaluation con-
13 ducted under paragraph (1)(A), the Secretary shall
14 submit to the Committee on Natural Resources of
15 the House of Representatives and the Committee on
16 Energy and Natural Resources of the Senate a re-
17 port that includes recommendations for the future
18 role of the Department of the Interior, if any, with
19 respect to the Delta Conservancy.

20 (d) AUTHORITIES.—For the purposes of preparing
21 and implementing the strategic plan, the Conservancy may
22 use Federal funds made available under this Act—

23 (1) to make grants to political jurisdictions,
24 nonprofit organizations, and other parties;

1 (2) to enter into cooperative agreements with or
2 provide technical assistance to political jurisdictions,
3 nonprofit organizations, Federal agencies, and other
4 interested parties;

5 (3) to hire and compensate staff, including indi-
6 viduals with expertise in—

7 (A) natural, ecological, and resource con-
8 servation; and

9 (B) restoration planning;

10 (4) to obtain funds or services from any source,
11 including other Federal programs;

12 (5) to contract for goods or services; and

13 (6) to support activities of partners and any
14 other activities that—

15 (A) further the purposes of the strategic
16 plan;

17 (B) are consistent with the approved stra-
18 tegic plan; and

19 (C) to prepare and implement the strategic
20 plan.

21 **SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

22 (a) **IN GENERAL.**—Nothing in this Act affects the au-
23 thority of a Federal agency to provide technical or finan-
24 cial assistance under any other law.

1 (b) CONSULTATION AND COORDINATION.—The head
2 of any Federal agency planning to conduct activities that
3 may have an impact on the Delta Heritage Area is encour-
4 aged to consult and coordinate the activities with the Sec-
5 retary, the Commission, and the Delta Conservancy to the
6 maximum extent practicable.

7 (c) OTHER FEDERAL AGENCIES.—Nothing in this
8 Act—

9 (1) modifies, alters, or amends any law or regu-
10 lation authorizing a Federal agency to manage Fed-
11 eral land under the jurisdiction of the Federal agen-
12 cy;

13 (2) limits the discretion of a Federal land man-
14 ager to implement an approved land use plan in the
15 boundaries of the Delta Heritage Area; or

16 (3) modifies, alters, or amends any authorized
17 use of Federal land under the jurisdiction of a Fed-
18 eral agency.

19 **SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTEC-**
20 **TIONS.**

21 Nothing in this Act—

22 (1) abridges the rights of any property owner
23 (whether public or private), including the right to re-
24 frain from participating in any plan, project, pro-

1 gram, or activity conducted in the Delta Heritage
2 Area;

3 (2) requires any property owner—

4 (A) to permit public access (including ac-
5 cess by Federal, State, tribal, or local agencies)
6 to the property of the property owner; or

7 (B) to modify public access or use of prop-
8 erty of the property owner under any other
9 Federal, State, tribal, or local law;

10 (3)(A) alters any duly adopted land use regula-
11 tion, approved land use plan, or other regulatory au-
12 thority (including the authority to make safety im-
13 provements or increase the capacity of existing roads
14 or to construct new roads) of any Federal, State,
15 tribal, or local agency; or

16 (B) conveys any land use or other regulatory
17 authority to any local coordinating entity, including
18 development and management of energy or water or
19 water-related infrastructure;

20 (4) authorizes or implies the reservation or ap-
21 propriation of water or water rights;

22 (5) diminishes the authority of the State to
23 manage fish and wildlife, including the regulation of
24 fishing and hunting in the Delta Heritage Area; or

1 (6) creates any liability, or affects any liability
2 under any other law, of any private property owner
3 with respect to any person injured on the private
4 property.

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) DELTA HERITAGE AREA.—

7 (1) IN GENERAL.—Subject to paragraph (2)
8 and subsection (c), there is authorized to be appro-
9 priated to carry out section 4 \$2,000,000 for any
10 fiscal year, to remain available until expended.

11 (2) LIMITATION ON TOTAL AMOUNT APPRO-
12 PRIATED.—The total amount made available to
13 carry out section 4 shall not exceed \$20,000,000.

14 (b) CONSERVANCY RESTORATION ACTIVITIES.—Sub-
15 ject to subsection (c), there are authorized to be appro-
16 priated to carry out section 5 \$2,000,000 for the fiscal
17 year in which this Act is enacted and such sums as are
18 necessary in each of the following 9 fiscal years, to remain
19 available until expended.

20 (c) COST-SHARING REQUIREMENT.—The Federal
21 share of the total cost of any activity under this Act shall
22 be determined by the Secretary, but shall be not more than
23 50 percent.

1 **SEC. 9. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

2 Nothing in this Act precludes the Commission or
3 Delta Conservancy from using Federal funds available
4 under other laws for the purposes for which those funds
5 were authorized.